

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

In re: CIRCUIT CITY STORES, INC. ET AL.

BANKRUPTCY CASE NO.
NO.: 08-35653 through 08-
35670
CHAPTER 11

AFFIDAVIT OF

Gisselle Z. Kelley, being of full age, and duly sworn according to law, deposes and says:

1. I am the VP, Regional Controller for Grubb and Ellis Management Services, 445 S. Figueroa Street, Los Angeles, CA 90071 ("Grubb and Ellis"). We are the property managers for Towne Square Plaza, a shopping center located at 465 Berlin Cross Keys Road, Towne Square Plaza Shopping Center, Sicklerville, NJ 08081 (the "Property"). The Debtor operated a store at this location (Store No. 04143).
2. This Affidavit is being filed in connection with the Motion of Towne Square Plaza, c/o Grubb & Ellis Management Services ("Movant") to Allow the Filing of a Late Proof of Claim and an Amended Proof of Claim.
3. On or about March 3, 2009, the Debtors apparently sent a Notice of Rejection of Unexpired Leases which had been filed on or about the same date and was docketed at No. 2408 (the "Notice").
4. Pursuant to the Notice, one of the leases being rejected was the Lease at the Property.
5. The Notice provided that the effective date of the lease rejections was March 10, 2009 and that parties had until April 30, 2009 in which to file a claim for rejection damages.
6. The Affidavit of Service filed in connection with the Notice (the "Affidavit"; see Docket No. 2780) states that a copy of the Notice was being sent by electronic mail and facsimile to the parties on the service list attached to the Affidavit as Exhibit "E". Movant's name (care of Grubb and Ellis) is listed on Exhibit E as having received a

faxed copy of the Notice.

7. Based on the parties listed on Exhibit E, it appears that some parties in interest received e-mail notification only and the others received fax notification only, since each party in interest has an e-mail address by their name or a fax number, but not both.
8. Based on Exhibit E to the Affidavit, the Notice was purportedly faxed to Grubb and Ellis Management Services at 213-488-0819.
9. Any fax sent to Grubb and Ellis in connection with the Circuit City bankruptcy and the Towne Square Plaza would immediately be brought to my attention and I certify that no such fax was ever brought to my attention in this case.
10. As soon as we became aware of the filing of the Notice in mid-May, 2009, we brought it to the attention of our attorney, who, after investigation of all of the circumstances regarding this matter, immediately filed the Motion referenced above.

Dated: June 22, 2009

A handwritten signature in black ink, appearing to read "Christopher Kelley", is written over a horizontal line. The signature is cursive and fluid.